

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2017 JAN 13 AM 11:14

UNITED STATES OF AMERICA, ex rel.  
BRENDAN DELANEY,

Plaintiff,

vs.

ECLINICALWORKS, LLC

Defendant.

FILED UNDER SEAL

CLERK

BY

DEPUTY CLERK

Civil No. 2:15-CV-000950-WKS

**UNITED STATES OF AMERICA'S NOTICE OF  
INTERVENTION, MOTION TO PARTIALLY LIFT, STAY AND EXTEND SEAL**

1. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court that it hereby intervenes and intends to proceed with this action against Defendant eClinicalWorks, LLC (ECW). The United States continues to investigate the involvement of other potential defendants in the conduct alleged by relator and to engage in settlement discussions with ECW.

2. The United States requests that the action be stayed and remain under seal through February 15, 2017, to protect the Government's ongoing investigation and to allow the Government and ECW to engage in an expedited mediation. The United States has consulted with counsel for ECW and Relator, and they do not object to staying the case and extending the seal.

3. The United States requests that when the stay is lifted on February 15, 2017, the Relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

4. The United States additionally requests that the Court partially lift the seal to allow the United States to reveal the existence of the *qui tam* action and allegations therein to third party mediators and their staff in the context of mediation or other settlement negotiations.

5. Should the Court need any additional information relating to the Government's investigation and/or the parties forthcoming mediation, the United States is available to provide such information either via a conference with the Court or through a supplemental filing.

6. The United States reserves the right to seek the dismissal of the relator's action or claim on any appropriate grounds, including under 31 U.S.C. §§ 3730(b)(5) and (e)(4).

7. A proposed order accompanies this notice.


Dated at Burlington, in the District of Vermont, this 13<sup>th</sup> day of January, 2017.

Respectfully submitted,

UNITED STATES OF AMERICA

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United States Attorney

By:



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